

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

MARIA ALEJANDRA CELIMEN SAVINO,
JULIO CESAR MEDEIROS NEVES, and all
those similarly situated,

Petitioners-Plaintiffs,

v.

STEVEN J. SOUZA,

Respondent-Defendant.

Case No. 1:20-cv-10617 WGY

**PLAINTIFFS' STATEMENT REGARDING DEFENDANTS' MOTION FOR AN
EXPEDITED DECISION ON THEIR MOTION TO COMPEL RESPONSES TO
DISCOVERY**

As stated to the Court's Clerk, Plaintiffs' current plan is to file an Opposition to Defendants' Motion To Compel by Friday, May 15, 2020. Defendants have now asked the Court to decide Defendants' Motion on an expedited basis. Plaintiffs file this Statement not to support or oppose any particular timeline – Plaintiffs will file their Opposition whenever the Court wishes – but rather to correct Defendants' mischaracterization of the facts and Plaintiffs' position.

As will be further detailed in Plaintiffs' Opposition, there has been no “gamesmanship” here. Contrary to Defendants' assertions, Plaintiffs timely responded to each of Defendants' inquiries about discovery; raised the issue of potential objections early on; and offered to discuss any issues or provide further clarifications. (Defendants did not take Plaintiffs up on this offer.) Plaintiffs subsequently responded to Defendants' discovery requests within the timeframe that

the Parties had agreed upon, objecting to those requests that were objectionable and providing responses to those that were not.

Plaintiffs' primary objection to Defendants' interrogatories was and is one of relevance: they sought evidence that is not relevant to the claims or defenses in this matter. Defendants have never provided any legal support for their "comparative" theory that the question of whether Defendants are violating detainees' Fifth Amendment rights to reasonable safety while held at BCHOC somehow depends upon a wide-ranging examination of detainees' non-custodial lives. No such authority exists. To the contrary, as the Court has already determined in ordering a preliminary injunction, the Fifth Amendment inquiry focuses squarely on Defendants' conduct in holding class members in the unreasonably unsafe confines of BCHOC.¹

May 11, 2020

Respectfully Submitted,

/s/ Oren Sellstrom

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¹ As the Court pointed out in this morning's hearing, ICE possesses all relevant information regarding the location of detainees who have been released on bail and may monitor them to ensure compliance with all bail conditions. That does not, however, import a far-reaching analysis of releasees' non-custodial lives into the Fifth Amendment analysis.

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CERTIFICATE OF SERVICE

I hereby certify that, on May 11, 2020 a copy of the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of this court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF system.

Date: May 11, 2020

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* Motion for law student appearances pending.